



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Jim Feeney, Town Manager
Cc: Claire Ricker, Director, Planning and Community Development
Michael Cunningham, Town Counsel
Michael Ciampa, Director, Inspectional Services
Ryan Katofsky, Chair, Clean Energy Future Committee
Ashley Maher, Select Board Administrator
From: Talia Fox, Sustainability Manager, Planning and Community Development
Date: March 13, 2024
RE: Warrant Article 11: Fossil Fuel-Free Bylaw Language Changes

Warrant Article 11, Fossil Fuel-Free Bylaw Changes, proposes to update the current definition of major renovations in the Town's Fossil Fuel Free-Bylaw ("Bylaw") to include additions and changes of use. This memorandum provides the following information to guide the Select Board's discussion and vote on Article 11:

1. Background on the Fossil Fuel-Free Bylaw & Municipal Fossil Fuel-Free Building Demonstration Program
2. Description of the Current Definition & Proposed Updates to the Definition of Major Renovations
3. Expected Impact of Warrant Article 11: Fossil Fuel-Free Bylaw Language Changes

Background on the Fossil Fuel-Free Bylaw & Municipal Fossil Fuel-Free Building Demonstration Program

Arlington Special Town Meeting voted in October 2023 to amend Title VI of the Town Bylaws to add a new section entitled "Fossil Fuel-Free Demonstration." This new Bylaw restricts the use of fossil fuel infrastructure in new building construction and major renovations and enables the Town to participate in the Municipal Fossil Fuel-Free Building Demonstration Program ("Demonstration Program"). The Massachusetts Department of Energy Resources (DOER) formally accepted the Town into the Demonstration Program on February 21, 2024.

On December 22, 2023, DOER notified the Town of its likely acceptance into the Demonstration Program, conditional upon the Town meeting one of the Housing Eligibility Thresholds detailed in the regulations for the Demonstration Program, 225 CMR 24.05(2). Alongside the conditional acceptance notification, DOER recommended that the Town revise the definition of major renovations in its Bylaw to encompass additions and changes of use, aligning it with the Model Rule that DOER released alongside the Demonstration Program regulations. DOER expressed "[concern] that exempting these types of renovations from the requirement to be fossil fuel-free will provide an incomplete picture of the impact of banning the use of fossil fuels in major renovations."

The Town's 2023 Bylaw initially excluded additions and changes of use in the definition of major renovations in order to maintain consistency with the Town's 2020 Clean Heat Bylaw. However, the Town's Clean Energy

Future Committee determined that alignment with DOER's recommendation, as well as the opportunity to apply the Bylaw to more projects in Arlington, given the urgency of climate change, were goals justifying the update.

Description of the Current Definition & Proposed Updates to the Definition of Major Renovations

The current definition of major renovations in the Bylaw mirrors the definition of Level 3 Alterations in the International Existing Building Code (IEBC 2021) and includes significant alterations to existing space:

- Low-rise residential alterations in which the work area exceeds 50% of the conditioned floor area of the existing dwelling unit AND exceeds 1,000 square feet (sq ft).
- For all other building uses except low-rise residential, alterations in which the work area exceeds 50% of the existing conditioned floor area OR exceeds 20,000 sq ft.

The proposed amendment would *add* the following to the definition of major renovations:

- Low-rise residential additions in which the work area exceeds 1,000 sq ft OR exceeds 100% of the conditioned floor area of the existing dwelling unit.
- For all other uses, additions in which the work area exceeds 20,000 sq ft OR exceeds 100% of the existing conditioned floor area of the building.
- Low-rise residential changes of use exceeding 1,000 sq ft.
- For all other uses, changes of use exceeding 20,000 sq ft or equal to 100% of the existing conditioned floor area of the building.

In the revised Bylaw, all alterations, as well as additions and changes of use that exceed the thresholds listed above, would be subject to the requirements of the Bylaw for major renovations. The Bylaw states that equipment or appliances using fossil fuels may not be installed for space or service water heating, cooking, clothes drying, and/or lighting as part of a major renovation. There remain several exemptions detailed in the Bylaw as well as an option to pursue a waiver in cases where compliance with the Bylaw renders a project financially infeasible or impractical to implement.

Expected Impact of Warrant Article 11: Fossil Fuel-Free Bylaw Language Changes

The updated definition is expected to increase slightly the number of projects to which the Bylaw applies. In the past two years, a total of six (6) changes of use have occurred which surpass the thresholds outlined in the proposed amendments to the definition. Per conversations with the Director of Inspectional Services, these numbers are generally representative of recent trends in Arlington.

In 2023:

- Four (4) residential additions exceeded 1,000 sq ft or 100% of the existing conditioned floor area.
- Zero (0) commercial additions exceeded 20,000 sq ft or 100% of the existing conditioned floor area.
- Zero (0) residential or commercial changes of use exceeded the thresholds for these uses.

In 2022:

- Two (2) residential additions exceeded 1,000 sq ft or 100% of the existing conditioned floor area.
- Zero (0) commercial additions exceeded 20,000 sq ft or 100% of the existing conditioned floor area.
- Zero (0) residential or commercial changes of use exceeded the thresholds for these uses.